

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re the Application

Inventor : **Thelen, et al.**
Application No. : **10/549,348**
Conf. No. : **6705**
Filed : **September 14, 2005**
For : **METHOD FOR TRANSMITTING A
USER-SPECIFIC PROGRAM**

APPEAL BRIEF

On Appeal from Group Art Unit 2427

Sir:

In response to a Notification of Non-Compliant Appeal Brief dated February 19, 2009, Appellants submit the following revised sections: “III. Status of Claims,” “V. Summary of the Claimed Subject Matter,” and “VI. Grounds for Rejection to be Reviewed on Appeal.”

Date: March 14, 2009

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III. STATUS OF CLAIMS

Claim 7 has been cancelled. Claims 1-6 and 8-11 stand finally rejected, and form the subject matter of the present appeal.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention is expressed primarily in independent claims 1 and 10. Claim 1 recites a method for transmitting a user-specific program to a user of a program content transmission system (item 1, Fig. 1), the method comprising the steps of: (a) transmitting a first part of the program content (item P, Fig. 1) of the program to a first terminal unit (item A, Fig. 1) of the user; (b) stopping the program transmission to the first terminal unit in accordance with a pre-determined procedural sequence when a first defined event occurs (paragraphs [0013] and [0014] of the published application); and, (c) transmitting a second part of the program content (item P', Fig. 1) to a second terminal unit (item B, Fig. 1) of the user when a second defined event occurs, to continue the program transmission in accordance with a predetermined procedural sequence. Claim 1 further recites that the user-specific program and/or the program content are adapted before the continuation of the transmission to the second terminal unit (paragraphs [0025] - [0027] of published application).

Claim 10 recites a program content transmission system (item 1, Fig. 2) which comprises: (a) a program management system (item 3, Fig. 2; paragraph [0043]), to render user-specific programs assigned to the respective users available to the various users of the program content transmission system, (b) a number of transmission channels (items K1, K2 of Fig. 2; paragraph [0040]) for the transmission of program contents (items P, P' of Fig. 2; paragraph [0040]) of the user-specific programs to the terminal units (items A, B of Fig. 2), of the particular users,

(c) a unit management system (item 4 of Fig. 2) to stop the program transmission to a first terminal unit (item A of Fig. 2) of a user in accordance with a pre-determined procedural sequence when a first defined event occurs (paragraphs [0013] and [0014]) and, when a second defined event to continue the program transmission in accordance with a pre-determined procedural sequence occurs, to cause a continuation to take place of a transmission of program contents (item P' of Fig. 2) to a second terminal unit (item B of Fig. 2) of the user;

(d) wherein the user-specific program and/or the program content are adapted before the continuation of the transmission to the second terminal unit (paragraphs [0025] - [0027]).

The remaining claims, which depend from respective independent claims, express further aspects of the invention.

VI. GROUND FOR REJECTION TO BE REVIEWED ON APPEAL

Claims 1, 2, 4, 5, 8, 9 and 11 stand rejected under 35 USC §102(e) as being anticipated by Isozu (U.S. Patent No. 7,127,496).

Claim 3 stands rejected under 35 USC 103(a) as being unpatentable over Isozu in view of Katz (U.S. Patent No. 7,103,906).

Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Isozu in view of Bhagavath (U.S. Patent No. 6,829,781).

Claim 10 stands rejected under 35 USC 103(a) as being unpatentable over Katz (U.S. Patent No. 7,103,906) in view of Isozu.